

“The City With a Heart”



Larry Franzella, Mayor
Rico Medina, Vice Mayor
Ken Ibarra, Councilmember
Irene O'Connell, Councilmember
Jim Ruane, Councilmember

MINUTES CITY COUNCIL REGULAR MEETING

August 8, 2006

7:00 p.m.

THIS IS TO CERTIFY THAT: The San Bruno City Council met in regular session on August 8, 2006 at the San Bruno Senior Center, 1555 Crystal Springs Road, San Bruno. The meeting was called to order at 7:00 p.m.

1. ROLL CALL: Presiding was Mayor Franzella with Vice Mayor Medina, and Councilmembers Ruane, Ibarra and O'Connell in attendance. Recorded by City Clerk Bonner.

PLEDGE OF ALLEGIANCE: Led by City Attorney Thompson.

Mayor Franzella thanked the **San Bruno Garden Club** for providing the beautiful floral arrangement.

ANNOUNCEMENTS:

Beautification Task Force Committee (O'Connell) provides update on the 2006 Tenth Annual City of San Bruno **Beautification Awards Program**. Deadline for Submittal of Nomination Forms is Friday, August 18, 2005 at 5:00 p. m.

Councilmember O'Connell reminded everyone to submit their nomination forms before the deadline.

PRESENTATIONS:

Receive Presentation by Greg Cochran, Coordinator of the North San Mateo County Leadership 2006, Regarding their Leadership Program.

Greg Cochran, Coordinator, North San Mateo County Leadership Forum, gave an overview of the North San Mateo County Chambers of Commerce Leadership Program.

Chief Deputy Tom Arata, San Francisco Sheriff's Department, said the San Bruno Jail is completed and would be opening on Saturday, August 19. He said the community was invited to view the Jail on Thursday, August 17 at 3:00 p.m. He gave an overview of the jail facility.

Councilmember Ibarra said a year or more ago he had toured the facility and asked if there had been changes since then.

Chief Deputy Tom Arata said there have been no significant changes.

Councilmember Ruane congratulated Tom Arata and encouraged anyone in the community to view the jail on August 17.

Chief Deputy Tom Arata asked if there was a way to get the word out to the community.

Councilmember Ruane said we could get it on Channel 11.

Chief Deputy Tom Arata concluded by thanking the community for their support and patience.

2. REVIEW OF AGENDA:

Mayor Franzella asked Items 9.a. and 9.b. moved to follow Item 4.

3. APPROVAL OF MINUTES: Regular City Council meeting of July 25, 2006.

Mayor Franzella asked Page 6 be corrected to read: 3) The road not be closed permanently during construction of the project and that a process be put in place that sufficient notification is given to the neighborhood that transverses the project, Pacific Heights #3, he said “I think it is Pacific Heights #3” but his intention was to include any surrounding portion of Pacific Heights.

Councilmember Ibarra asked does the resolution need to be fixed?

Mayor Franzella responded it would be pulled on the Consent Calendar.

Mayor Franzella said hearing no objections, the minutes stand approved as submitted.

4. CONSENT CALENDAR: All items listed are considered routine or implement an earlier Council action and may be enacted by one motion; there will be no separate discussion unless requested by Councilmember, citizen or staff.

a. **Approve:** Payroll of July 28, 2006.

b. **Approve:** Accounts Payable of July 19 and 24, 2006

c. **Waive Second Reading** and Approve an Ordinance Modifying a Development Plan and Adopting a Planned Development Permit for the Development of 510 Apartments at 4300 Susan Drive, Known as Treetops Apartments.

Mayor Franzella pulled Item 4.c.

M/S Ruane/Medina to approve 4.a. and 4.b. and passed with a unanimous vote.

Mayor Franzella asked Condition 141 be corrected to not limit itself to Pacific Heights #3, but to any section of Pacific Heights that is affected.

M/S Franzella/Ruane to approve Item 4.c. and passed with a unanimous vote.

9. a. Adopt Resolution Appointing the Bay Area Water Supply and Conservation Agency as Authorized Representative of the City of San Bruno in Discussions/Negotiations with San Francisco for an Agreement to Provide a Reliable Supply of High Quality Water at a Fair Price.

Art Jensen, General Manager, BAWSCA pointed out the conciseness of the staff report and pointed out it was essential for the ongoing public health and safety economic well being of our City to have a reliable supply of water. Ongoing maintenance and repair are critical issues to our water supply and adoption of this resolution will provide a reliable supply of water at a fair price

City Manager Jackson said BAWSCA has stepped up to represent all of its member agencies in negotiations with the PUC. She said BAWSCA has set up a process of keeping San Bruno informed over the next couple of years as well as gathering our input on issues and interests.

Councilmember O’Connell said Art and his staff are well suited to bringing the contract forward. She then introduced the resolution for adoption and passed with all ayes.

b. Adopt Resolution Endorsing the Parks for the Future Ballot Measure that Proposes to Enact A County-Wide One-Eighth Cent Sales Tax Supporting Parks and Recreation Improvements for a Period of Twenty-Five Years.

Parks and Recreation Services Director Mazzuca gave an overview of the staff report regarding the Parks for the Future Ballot Measure. He introduced Julia Bott.

Julia Bott, San Mateo County Parks & Recreation Foundation, said they received the required number of votes to put this on the November ’06 ballot.

Councilmember Ibarra said San Bruno has City Parks and a County Park, he asked how much will go into upgrading Junipero Sierra County Park.

Julia Bott said there are no documents recorded at this point; there is a need for operational support.

Vice Mayor Medina asked if the Parks & Recreation Committee had endorsed this ballot measure?

Parks and Recreation Services Director Mazzuca said they have not formally done so; it was brought before Council first.

Councilmember Ibarra introduced the resolution for adoption and passed with all ayes.

5. PUBLIC HEARINGS: None.

6. UNFINISHED BUSINESS:

a. Receive Recommendation from City Council Sub-Committee and Adopt Resolution Confirming the City Council Policy for Naming City Facilities.

Councilmember O’Connell reviewed the Resolution, which was updated from 1997.

Councilmember Ruane said this was the same resolution and he asked for reaffirmation of support.

Mayor Franzella said this was actually putting it into resolution form, previously it was minute order.

Councilmember Ibarra said wells, buildings or facilities, covering everything the City owns.

Councilmember Ruane introduced the resolution for adoption and passed with all ayes.

Mayor Franzella made a recommendation to the Park and Recreation Commission to consider naming one of the ball fields after Bob Greenberg and bring back as soon as possible.

Vice Mayor Medina asked if this item should be brought back to the September 12 meeting?

Mayor Franzella said that would be the goal to call a brief special meeting.

b. Receive Recommendation from City Council Sub-Committee Regarding Salary and Benefits for the Elected City Clerk and City Treasurer Positions.

Councilmember O’Connell said there were various inconsistencies with the City Clerk and City Treasurer positions. She reviewed the staff report with recommendations. She pointed out paid holidays the City Clerk

receives were not listed in the staff report. When she reviewed the salary steps to be increased annually, she said the City Treasurer was in a unique position since he did not assume office until May 10 so his salary would not increase until May 10, 2007, then his salary would increase at the time he would have assumed office under a normal election.

Vice Mayor Medina clarified the City Treasurer would receive an increase in May of 2007 and then again in November 2007 to align both offices to salary increases at the same time. He thanked the Clerk and Treasurer for taking the time to go over this. He felt these positions should be evaluated prior to the nomination papers going out so any citizen seeking these offices knows outright what is being offered and available. There were clarifications to be made. He pointed out this was the ad hoc committee's recommendation and they were open to comments.

Mayor Franzella asked if either of the elected officials wanted to supplement the report.

City Treasurer John Marty addressed Item 4. as it relates to the City Clerk. He calculated between Council meetings and extra activities she works at least 150 extra hours annually, and he felt the 100 management hours were more than fair. He concurred Item 9. should be stricken from the Treasurer's budget.

Councilmember Ibarra compared the City Clerk's full time position with the City Treasurer part time position. He asked for clarification of four step vs. five step?

Councilmember O'Connell said that is up to the Council and it will be brought up in a resolution later.

Councilmember Ibarra asked for clarification of the step process.

Councilmember O'Connell said they would receive the first step increase on the anniversary of the day they assume office.

Councilmember Ibarra said they would get one paycheck on the fourth step before they leave office. He also questioned these increases should not be based on performance. What happens if a Clerk or Treasurer is performing terribly, when they come to the anniversary they move up a step?

Vice Mayor Medina said you certainly are not going to remove them from office. If they have not met performance set by the Council, there are recourses the Clerk or Treasurer can resign or be recalled just as Council can be. It is an elected office that has that same right and privileges. He said Council is not giving performance evaluations or setting the expectations, that is done by the Municipal Code.

Councilmember Ibarra said it was a double-edge sword.

Mayor Franzella said the positions would go through four steps in four years, they start at 0 days to 365 you are paid on Step 1, a fourth year on the fourth step.

Councilmember O'Connell said the fourth year they would receive that salary.

Councilmember Ibarra said the entire fourth year they would get step 4. That fourth step would be close to the existing fifth step.

Mayor Franzella said typically in other departments there is a 5% differential between steps over five years, this is 6% over a four-step process. In five years there would be a 20% increase, in a four year step there is an 18% increase.

Councilmember Ruane reiterated the discussion was about positions, not individuals; he said we have two exceptional individuals in these positions. He said management leave should be left at 100 hours and he didn't believe there should be cash out. Professional development didn't bother him and the four-step salary range made sense and ties in how the individuals are elected. The special condition for the Treasurer made sense. He said the public would let us know how about performance; the clerk is the conduit to the public.

Vice Mayor Medina said the City Clerk wished to keep the 100 hours of management leave. He said there were twenty additional hours and she agreed to give those up as well as the cash out feature of the hours.

Mayor Franzella asked about the professional development?

City Manager Jackson said personal professional development is a feature of the management and mid-management bargaining unit MOU's. The use of these monies are prescribed to certain types of activities, fitness, home office, computer equipment. It is budgeted every year subject to the approval of the City Manager, which historically has been delegated to the Finance Director with certain parameters.

Mayor Franzella said if they eliminated this, it does not mean we don't want any professional development or improvement for the City Clerk or City Treasurer. If there was a State program or a seminar to improve their services or skills that should be brought back to the City Council and funding sought for it. It is eliminating the \$1000. in the MOU's designated for Department Heads.

City Manager Jackson concurred and added the Clerk and Treasurer's office both have funds allocated for training activities.

Mayor Franzella also agreed with the 100 hours without the cash-out feature, there are times there are extra hours and it just has to be tracked through payroll.

Councilmember Ibarra asked if other staff members receive membership to community service organizations.

City Manager Jackson said that was a feature of the manager's MOU's and it is capped at an amount of \$600 which has been increased per the MOU by the cost of the annual CIP.

Councilmember Ibarra said it had nothing to do with actual membership fee in any organization.

City Manager Jackson said it was a reimbursement amount.

Councilmember O'Connell said she and Vice Mayor Medina needed to make clear distinctions between those elected officials and Department Head positions.

Councilmember O'Connell recommended the recommendations the Sub-Committee has written out. She asked the City Manager if a Department Head attended a City Council meeting, were they still expected to come the next day and be on task at 8:00 a.m. and work for eight hours?

City Manager Jackson said generally department heads are expected to be at work during normal business hours. If they are off, they are required to seek written approval.

Councilmember O'Connell motioned the Council approve the sub-committee's recommendation.

Councilmember Ibarra commended the sub-committee for their hard work; however, he felt he could not lose sight of the individuals, it is a big change. Reducing from 100 hours to 40 hours and cutting out a community organization membership, it is a bit much and he concurred with the Mayor on management leave.

Vice Mayor Medina said to unify the Council; he was prepared to concur with the Mayor on the management leave.

Councilmember Ibarra clarified the Mayor's substitute motion was for a 100 hours per year eliminating the twenty additional hours and eliminating cash out.

Mayor Franzella concurred, that was a substitute motion; however, it cannot be accepted as a substitute motion. The motion before Council is for the exact recommendation of the sub-committee. Any further discussion, all those in favor, Councilmember O'Connell said aye, the remaining council were opposed.

M/S Ibarra/Ruane motioned the recommendation be accepted, except for Item 4 as stated previously, 100 hours per year, no additional twenty hours, and no provision for cash out, Mayor Franzella and Vice Mayor Medina with ayes and Councilmember O'Connell with a no.

Vice Mayor Medina again thanked the City Clerk and City Treasurer for their time and Councilmember O'Connell in her contribution to come up with something fair and equitable.

Mayor Franzella thanked the subcommittee for a job well done and the elected officials for participating.

7. CALL FOR, PRESENTATION OF BIDS, and AWARD OF CONTRACT: None.

8. COMMUNICATIONS:

Vice Mayor Medina said he had received a letter from a group of thirty-four who were interested in continuing water aerobics during the month of September.

Mayor Franzella asked staff to look into it.

9. STAFF REPORTS:

- a. Moved to follow end of Consent Calendar.
- b. Moved to follow end of Consent Calendar.
- c. Adopt Resolution Authorizing Purchase through the State of California Cooperative Purchasing of 4 Public Works and Parks Division Trucks from Downtown Ford Sales in the Total Amount of \$126,473.15.

Deputy Director Howard asked Council to consider adopting a resolution authorizing the City Manager to award bid for the purchase of four trucks.

Mayor Franzella asked if any consideration has been given to alternative fuels or fuel-efficiency on these vehicles.

Deputy Director Howard said none of the trucks of the size needed were fuel-efficient.

Councilmember Ibarra said it was clear in the staff report the attempts to be fuel-efficient and he introduced the resolution for adoption and passed with a unanimous vote.

- a. Adopt Resolution Setting Annual Salary Steps for City Treasurer and City Clerk.

City Treasurer Marty asked Council the resolution be adopted.

Councilmember Ruane asked about the City Treasurer's position for salary advancement?

Mayor Franzella recommended the subcommittee's recommendation an adjustment be done May 10 of 2007 and another adjustment November of 2007 so it brings it back to the election schedule. The resolution would have to be modified to reflect this change.

Councilmember Ruane introduced the resolution for adoption with the modification as so stated and passed with a unanimous vote.

10. REPORT OF CITY ATTORNEY - RESOLUTIONS & ORDINANCES:

a. Receive Report Identifying Negotiators and persons with Whom the City is Negotiating to Conclude Real Estate Negotiations Regarding JC Penny Corp. Property Located at 1122 El Camino Real in San Bruno for El Camino Real Street Expansion Project as follows: Negotiators for the City: Joe Napoliello from the County and Kevin Siegel, attorney with McDonough, Holland, and Allen. For Sears: Sears Representatives and Outside Counsel. Sears Property: 1122 El Camino Real, a Strip of Land About 6.3 Meters in Width along El Camino Real in Fee for Project Improvements and a Temporary Construction Easement Consisting of Approximately 358 Square Meters During Project Construction. (Cal. Gov't Code 54956.8 and 54956.9(c)).

City Attorney Thompson said there would be a closed session as a result of the City initiating a friendly eminent domain process to acquire three pieces of property from Sears, Penneys and Shell. The City successfully concluded all of its acquisitions with JC Penney, Shell and the Shell tenant. The last piece of property relates to Sears. Both this section and the closed session deal with Sears. The government code requires this information be identified to the public.

11. PUBLIC COMMENT ON ITEMS NOT ON AGENDA:

Robert Riechel, 7th Avenue reminded the public that on Wednesday, August 16th, pellets would be dropped by helicopter over the Mills Field area. He also said on August 15th, at the San Mateo County Fair, the County of San Mateo Health Department and the Mosquito Abatement District will be handing seniors free packets of mosquito repellent as well as West Nile Virus information.

Rose Urbach, Euclid Ave., asked the Beautification Task Force look at the hilly areas and the dry grass.

Hank Chaff, Fasman Ave. asked if the trucks needed to be replaced. He also asked what the City Treasurer makes per year. He said everything was going up and there was a lot of waste.

Mayor Franzella asked Mr. Chaff to give his name and number to the City Clerk.

Hank Chaff said he would go into the Clerk's office.

12. REPORT OF COMMISSIONS, BOARDS, & COMMITTEES:

a. Receive Oral Report from City Council Grade Separation Sub-Committee Regarding Schedule for Construction of San Bruno Grade Separation.

Councilmember Ruane said the Citizens' Advisory Committee has been meeting for a number of years to develop a grade separation along with the representatives of the Joint Powers Board and Cal Train. The City has been assured we are the number one grade separation project and he believed we are ranked seventh or eighth in the State. The project is supposed to start next year but it could be delayed up to five years. There will be Citizens' Advisory Committee meeting around early to mid-September to hear from a representative from Cal Train. There are projected major intersection improvements in and around the area of San Bruno Ave. where the grade separation would have taken place early next year to mid-spring.

Councilmember Ibarra said last week JPB met and one of the issues was the presentation of capital improvements projects to the year 2025 and a whole master plan on the infrastructure of the Cal Train alignment. He said he, the Mayor and the City Manager made it clear at the meeting they were not going to go away.

Mayor Franzella said he believed they got the message. He said hopefully, next Spring, there will be major road reconfiguration/construction to take care of several situations. The completion of the grade separation is scheduled for approximately 2010 – 2011.

Rose Urbach, Euclid Ave., asked about the impacts to her area.

Mayor Franzella said he wasn't prepared to answer at this time. He said, the one bit of good news is that we have between now and 2010 to get an answer.

13. NEW BUSINESS:

Councilmember O'Connell complimented the Park and Recreation Staff for their Summer Camp Program. She also commented on how much better Lion's Park looks and the fact it is used a lot.

Vice Mayor Medina thanked the generosity of the Parks and Recreation Department for the 3rd Annual Softball Tournament to honor a fallen officer.

Closed Session:

City Attorney requests Closed Session for Approval of Agreement Concluding Real Estate Negotiations Regarding JC Penny Corp. Property Located at 1122 El Camino Real in San Bruno for El Camino Real Street Expansion Project. (Cal. Gov't Code 54956.8 and 54956.9(c)).

City Attorney requests closed session to receive City Council direction on threatened litigation. (Cal. Gov't Code Section 54956.9(C)).

Mayor Franzella announced the City Council would be going into closed session and coming out with reportable information.

Mayor Franzella returned from closed session and reported the City Manager has been authorized to enter into a settlement agreement with Sears for the budgeted for the El Camino Street widening. Once the settlement documents are executed they will be at City Hall for review.

14. ADJOURNMENT:

Mayor Franzella adjourned the regular meeting at 8:34 p.m. and the closed session at 9:07. The August 22, 2006, City Council meeting has been cancelled. The next regular City Council meeting will be, Tuesday, September 12, 2006, 7:00 p.m., at the Senior Center, at 1555 Crystal Springs Road.

Respectfully submitted for approval at the regular City Council Meeting of August 8, 2006.

Carol Bonner, City Clerk

Rico Medina, Vice Mayor